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Beechwood Park School

WHISTLEBLOWING POLICY

Website: www.beechwoodpark.com

Policy Number:	BWPS - 033
Policy Applicable To:	Whole School – including EYFS
Policy Revised By:	Anne-Marie Ridler
Last Review Date:	May 2025
SLT Reviewed Date:	May 2025
Governors Reviewed Date:	June 2025
Next Review Date:	May 2026

1. INTRODUCTION

- 1.1 This policy applies to all employees (which throughout this policy and procedure includes workers as defined and extended by the Employment Rights Act 1996) and governors.
- 1.2 This policy does not form part of your contract of employment and we may amend it at any time. It will be reviewed regularly.
- 1.3 The School has adopted this policy and the accompanying procedure on whistleblowing to enable members of staff to raise concerns internally and in a confidential fashion about fraud, malpractice, health and safety, criminal offences, miscarriages of justice, a failure to comply with legal obligations, inappropriate behaviour or unethical conduct. The policy also provides, if necessary, for such concerns to be raised outside the School.
- 1.4 The School is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with our Staff Behaviour Policy. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- 1.5 This policy and procedure sets out the way in which individuals may raise any concerns that they have and how those concerns will be managed.
- 1.6 Employees who do not follow the steps identified in this procedure or other agreed internal procedures, and take their concerns to other outside sources (e.g. the press), may be subject to a formal disciplinary investigation.
- 1.7 An instruction to cover up wrongdoing is in itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority, employees should not agree to remain silent.

2. BACKGROUND

- 2.1 The law provides protection for employees who raise legitimate concerns about specified matters. These are called qualifying disclosures. A qualifying disclosure is one made in the public interest by the employee who has a reasonable belief that:
 - 2.1.1 a criminal offence
 - 2.1.2 a miscarriage of justice
 - 2.1.3 an act creating risk to health and safety

- 2.1.4 an act causing damage to the environment
- 2.1.5 a breach of any legal obligation
- 2.1.6 a concealment of any of the above; or
- 2.1.7 a safeguarding concern

is being, has been, or is likely to be, committed. It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed, a reasonable belief is sufficient.

3. SCOPE OF THIS POLICY

- 3.1 This policy and procedure is for disclosures about matters other than a breach of an employee's own contract of employment, or the way they have been treated at work. If you are concerned that your own contract has been, or is likely to be, breached you should use the School's Grievance Procedure. This policy and procedure will also not apply where the employee simply disagrees with the way the School is run.
- 3.2 We have separate policies and procedures in place for reporting and dealing with safeguarding concerns (see *Section 8* below) but you may raise a concern under this policy if you feel the School has failed to comply with its Safeguarding policy and your concerns have not been dealt with.
- 3.3 Where a disclosure is merely an expression of opinion or a generalised allegation that fails to show that one of the seven categories of wrongdoing has been or is likely to be occur, it cannot amount to a protected or qualifying disclosure for the purposes of the whistleblowing legislation.
- 3.4 You must have reasonable grounds for believing the information you have is accurate and not just idle gossip or rumour.

Maliciously making a false allegation is a disciplinary offence and will be dealt with under the School's Disciplinary, Capability and Grievance Policy.

4. CONFIDENTIALITY

- 4.1 We hope that staff will feel able to voice whistleblowing concerns openly under this procedure. However, if you wish to raise a concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating the concern to know your identity, this will be discussed with you.
- 4.2 If there is evidence of criminal activity, the Police will in all cases be informed.

- 4.3 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should discuss this with the Headmaster or Chief Operating Officer and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are set out below.

5. HOW TO RAISE A CONCERN

- 5.1 We hope that in many cases you will feel able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the Headmaster or Chief Operating Officer.
- 5.2 However, where the matter is more serious, or you prefer not to raise it with your line manager for any reason, you should contact the Head or the Chief Operating Officer. If you feel unable to approach the Headmaster or the Chief Operating Officer directly, then the Chair of Governors should be the first point of contact.
- 5.3 A meeting will be arranged with you as soon as possible to discuss your concern. You may bring a colleague or trade union representative to any meetings under this procedure. Your companion must respect the confidentiality of the disclosure and any subsequent investigation. You may be required to attend additional meetings in order to provide further information as the concerns raised are investigated.
- 5.4 You have no responsibility for investigating the matter; it is the School's responsibility to ensure that an investigation takes place.
- 5.5 The reported concern will be investigated swiftly and constructively in accordance with all School policy and procedure.
- 5.6 Any concern raised will be investigated thoroughly and in a timely manner, and appropriate corrective action will be pursued. You will be kept informed of the progress of the investigation and its likely timescale. Whenever possible and subject to third party rights, you will be informed of the resolution. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

- 5.7 If misconduct is discovered as a result of any investigation under this policy the matter will be considered under the School's disciplinary procedure, in addition to any appropriate external measures.
- 5.8 If you are not satisfied that your concern is being properly dealt with, you will have a right to raise it in confidence with the Governing Body.
- 5.9 The aim of this policy and procedure is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the School. In most cases employees should not find it necessary to alert anyone externally and employees are strongly advised to seek advice before reporting a concern in this way. Employees who feel unable to follow this internal route, for whatever reason, have the option of contacting the ISI (educational and safeguarding) and LADO (Safeguarding). Staff could also report to the NSPCC, HMRC, the Audit Commission, or the Health and Safety Executive. It will rarely, if ever, be appropriate for you to contact the media.

6. EXTERNAL DISCLOSURES

- 6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 6.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns directly to an external body such as a regulator. We strongly encourage you to seek advice before reporting a concern to anyone external. Protect operates a confidential helpline. Their contact details are at the end of this policy.

7. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

- 7.1 An employee who makes a protected disclosure has the right not to be subjected to detrimental treatment which includes: dismissal, disciplinary action, threats or other unfavourable treatment, because they have made a disclosure, provided it has not been made maliciously. Any employee who uses this policy and procedure will not be penalised for doing so. The School will not tolerate harassment and/or victimisation of any employee raising concerns.
- 7.2 If you believe that you have suffered any such treatment, you should inform the Head or the Chief Operating Officer immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.
- 7.3 If you are not sure whether the conduct you are concerned about does constitute illegal or improper conduct or are unsure about how to proceed you should contact your professional association/trade union or Protect, an independent charity who offer a confidential helpline. Their contact details are at the end of this policy.

8. SAFEGUARDING CHILDREN AND YOUNG PEOPLE

- 8.1 Separate to the obligations under this policy, all employees have a duty to report concerns about the safety and welfare of pupils.
- 8.2 Concerns about any of the following should be reported to the School's Designated Safeguarding Lead (DSL):
- 8.2.1 a low-level concern
 - 8.2.2 physical abuse of a pupil/student
 - 8.2.3 sexual abuse of a pupil/student
 - 8.2.4 emotional abuse of a pupil/student
 - 8.2.5 neglect of a pupil/student
 - 8.2.6 an intimate or improper relationship between an adult and a pupil/student
- 8.3 If the concern involves another member of staff or the Head, you must report to the Head or the Chair of Governors respectively.
- 8.4 The reason for the concern may be the actions of a colleague (including a more senior colleague), a governor, another pupil/student or someone outside the School. Whatever the reason, concerns must be reported. Failure to report a Child Protection related allegation will be in itself, a disciplinary matter.

9. GENERAL

- 9.1 The legislation protecting individuals who makes a protected disclosure applies not only to employees, but also to any person who undertakes to do or perform personally (or otherwise) any work or service for the employer, regardless of the nature of the contractual relationship between them.
- 9.2 Section 43J of the *Employment Rights Act 1996* provides that a settlement agreement made between an employee and employer cannot prevent future protected disclosures.
- 9.3 Any confidentiality obligations in contracts of employment that would prevent an employee making a protected disclosure will be void.

10. CONTACTS

10.1 If staff and volunteers feel unable to raise an issue with the School or feel that their genuine concerns are not being addressed, they may report their concerns to other whistleblowing channels, such as:

10.1.1 Protect, an independent whistleblowing charity (helpline: 020 3117 2502, email: whistle@protect-advice.org.uk , website: <https://protect-advice.org.uk/>).

10.1.2 The NSPCC whistleblowing helpline (tel: 0800 028 0285 or email: help@nspcc.org.uk).